

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 33
Filed: 3 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

EDWARD L. TOBINICK,
and ARTHUR JEROME TOBINICK,
Junior Party
(Patent 6,015,557),

v.

JUNMING LE,
JAN VILCEK, PETER DADDONA,
JOHN GHRAYEB, DAVID KNIGHT, and SCOTT SIEGEL,
Senior Party
(Applications 10/227,488 and 10/665,971)

Patent Interference No. 105,621 (SGL)
(Technology Center 1600)

*Before: SALLY GARDNER LANE, SALLY C. MEDLEY, AND MICHAEL P. TIERNEY,
Administrative Patent Judges.*

LANE, Administrative Patent Judge.

Judgment– Request for Adverse – Bd.R. 127(b)

1 Tobinick requests adverse judgment as to Count 2, the sole count of the
2 interference. (Paper 32 at 2). The request is GRANTED.

3 It is:

4 **ORDERED** that judgment on priority as to Count 2 (Paper 23 at 1), the
5 sole count of the interference, is entered against Junior Party Tobinick;

6 **FURTHER ORDERED** that claims 1-3, 13, 14, 17-21, and 23-25
7 of Tobinick patent 6,015,557, which claims correspond to Count 2 (Paper 30 at 2), be
8 CANCELLED, 35 USC § 135(a);

9 **FURTHER ORDERED** that the parties are directed to 35 USC § 135(c)
10 and Bd. R. 205 regarding the filing of settlement agreements; and

11 **FURTHER ORDERED** that a copy of this judgment shall be entered into
12 the administrative record of Tobinick patent 6,015,557 and Le applications 10/227,488
13 and 10/665,971.

1 cc (via electronic filing):
2

3 Counsel for Tobinkick:
4

5 Robert W. Hahl, J.D., Ph.D.
6 Richard A. Neifeld, J.D., Ph.D.
7 NEIFELD IP LAW, PC
8 4813-B Eisenhower Avenue
9 Alexandria, VA 22304
10

11 Tel: 703-415-0012
12 Email: rhahl@neifeld.com
13 Email: neifeld@neifeld.com
14

15 Counsel for Le:
16

17 Joseph Lucci, Esq.
18 WOODCOCK WASHBURN
19 Cira Centre, 12th Floor
20 2929 Arch Street
21 Philadelphia, PA 19104-2891
22

23 Tel: 215-564-8370
24 Email: lucci@woodcock.com
25

26 Susan G.L. Glovsky, Esq.
27 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
28 530 Virginia Road
29 P.O. Box 9133
30 Concord, MA 01742-9133
31

32 Tel: 978-341-0036
33 Email: susan.glovsky@hbsr.com
34